

Case 3:06-cv-00162-MMC Document 77 Filed 06/02/06 Page 1 of 2

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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NICHIA CORPORATION,

No. C-06-0162 MMC

Plaintiff,

v.

SEOUL SEMICONDUCTOR LTD., et al.,

Defendants

**ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE PORTIONS OF
DEFENDANT SEOUL
SEMICONDUCTOR, INC'S ANSWER
AND COUNTERCLAIMS; GRANTING
DEFENDANT'S REQUEST FOR LEAVE
TO AMEND; VACATING HEARING**

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Before the Court is plaintiff Nichia Corporation's ("Nichia") motion, filed May 2, 2006, to strike certain portions of the answer and counterclaims filed by defendant Seoul Semiconductor, Inc. ("Seoul USA"). Specifically, Nichia moves to strike the Seventh and Eighth Affirmative Defenses and the Third Counterclaim. Seoul USA has filed a statement of non-opposition to the motion to strike, and requests leave to file an Amended Answer and Counterclaims removing said defenses and counterclaim. Nichia has not filed a reply.

Having reviewed the papers filed in support of and in response to the motion, the Court deems the matter suitable for decision on the papers, VACATES the hearing scheduled for June 9, 2006, and rules as follows:

1. Nichia's motion to strike is hereby GRANTED, without prejudice to Seoul USA's moving, at a later date, to amend to add a claim of inequitable conduct, at such time as

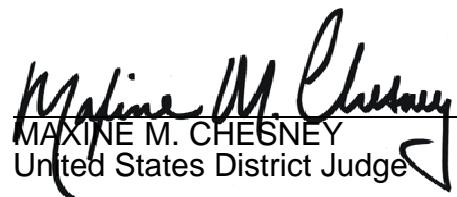
1 Seoul USA believes grounds for such amendment exist.

2 2. Seoul USA's request for leave to amend is hereby GRANTED, and the Amended
3 Answer and Counterclaim filed May 19, 2006 is deemed to be Seoul USA's response to
4 Nichia's complaint.

5 3. Nichia's response to the Amended Answer and Counterclaim shall be filed no
6 later than 10 court days from the date of this order.

7 **IT IS SO ORDERED.**

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9 Dated: June 2, 2006


MAXINE M. CHESNEY
United States District Judge

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